



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,747	11/09/2006	Pinchas Shalev	127/04378	7965
44909	7590	04/01/2008	EXAMINER	
PRTSI			PATEL, BHARAT C	
P.O. Box 16446			ART UNIT	
Arlington, VA 22215			PAPER NUMBER	
			3724	
			MAIL DATE	
			DELIVERY MODE	
			04/01/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,747

Applicant(s)

SHALEV ET AL.

Examiner

BHARAT C. PATEL

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under pct Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required in reply to this action to elect a single invention to which must be restricted.

Group I, claim(s) 1-12, drawn to a hair cutting device with an elongated heated wire.

Group II, claim(s) 13-25, drawn to a method of cutting hair with a heating portion.

2. The inventions listed as Groups or Inventions I-II do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention I, as mentioned above, is not present in inventions II. Conversely, the technical features in inventions II are not present in invention I. It should be noted that inventions I-II are distinct from one another by having at least a specific feature that is not presented in the other inventions.
3. Upon election of Group I from above, applicant must elect of the inventions in the following subgroups:
- la. Claim 2, drawn to a hair cutting device with a row of skin depressing elements on at least one side of the elongated heated wire.
 - lb. Claim 3, drawn to a hair cutting device with a row of skin depressing elements on both sides of the elongated heated wire.

lc. Claim 4, drawn to a hair cutting device with the wire having diameter between 10 to 1000 micrometers.

ld. Claims 5-12, drawn to a hair cutting device wherein the wire is heated when the cutting head comes in contact with a skin surface.

Claim 1 will be examined in addition to election of any one of subgroups la-ld.

4. Upon election of Group I from above, applicant must elect of the inventions in the following subgroups:

Ila. Claim 14, drawn to a method of cutting hair with a step of heating hair with a hot wire.

Ilb. Claims 15-21, drawn to a method of cutting hair with a step of heated wire at temperature above 50 deg.C.

Ilc. Claim 22, drawn to a method of cutting hair with a step of juxtaposing the wire and the blade in a parallel configuration.

Ild. Claims 23-25, drawn to a method of cutting hair with a step of first moving the heated wire and then the blade across the skin.

Claim 13 will be examined in addition to election of any one of subgroups Ila-Ild.

5. Claims 1 & 5 link the inventions of subgroups la – ld. Claim 13 links the inventions of subgroups Ila – Ild. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claim(s), claims 1, 5 and 13. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or

Art Unit: 3724

otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.

6. The inventions listed as subgroups or Inventions Ia-IId do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention Ia, as mentioned above, is not present in inventions Ib. Conversely, the technical feature in invention Ib is not present in invention Ia. It should be noted that inventions Ia-IId are distinct from one another by having at least a specific feature that is not presented in the other inventions.

7. The inventions listed as subgroups or Inventions IIa-IIId do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention IIa, as mentioned above, is not present in inventions IIb. Conversely, the technical feature in invention IIb is not present in invention IIa. It should be noted that inventions IIa-IIId are distinct from one another by having at least a specific feature that is not presented in the other inventions.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining

Art Unit: 3724

in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat C. Patel whose telephone number is 571-27-03078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/

Examiner, Art Unit 3724

March 27, 2008.

/Ghassem Alie/

Primary Examiner, Art Unit 3724